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April 30, 2021

VIA ECF

The Honorable Judge George B. Daniels
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Daniel Garcia v. CO Thomas et al.*, 21-CV-00636

Your Honor,

MEMO ENDORSED

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York (City), assigned to the above-referenced action. I write pursuant to the Court's Order of March 31, 2021 (ECF No. 10) directing the City to provide a waiver of service for certain defendants by April 30, 2021. The City is not a defendant in this matter, and appears at this time solely for the purpose of responding to the March 31, 2021 Order.

On January 21, 2021, plaintiff filed his complaint asserting allegations as against CO Thomas, CO Joseph, Captain Guerra, and ADW Blatz. The March 31, 2021 Order directed the City to provide a waiver of service for these defendants. (ECF No. 10) On April 27, 2021, the New York City Department of Correction ("DOC") submitted a waiver of service for Captain Guerra and ADW Blatz (ECF No. 13) and further informed the Court that it was unable to identify COs Thomas or Joseph due to the common nature of those last names. (ECF No. 14) On April 30, 2021, DOC submitted a waiver for CO Thomas after he was identified through an incident report relating to plaintiff's allegations in his complaint. (ECF No. 15)

However, based on currently available information, the City has been unable to date to identify CO Joseph that plaintiff intends to sue. Accordingly, it is respectfully requested that the Court allow the City additional time, until May 28, 2021, to conduct a further investigation to determine if it can identify the individual that plaintiff intends to sue.

We thank the Court for its consideration of this matter.

Application GRANTED. SO ORDERED.

Barbara Moses, U.S.M.J.
May 3, 2021

Respectfully submitted,

Alan H. Scheiner/s/

Alan H. Scheiner
Senior Counsel